

**UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK**

EMERGENCY PHYSICIAN SERVICES OF  
NEW YORK, ET AL.,

Plaintiffs,

-against-

UNITEDHEALTH GROUP, INC.,

Defendant.

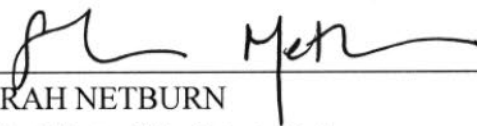
Case No. 1:20-cv-09183 (AJN) (SN)

**CONFIDENTIALITY AND PROTECTIVE ORDER REGARDING PROTECTED  
HEALTH INFORMATION**

Plaintiffs Emergency Physician Services of New York, Buffalo Emergency Associates, Exigence Medical of Binghamton, Exigence Medical of Jamestown, and Emergency Care Services of New York and Defendant UnitedHealth Group Incorporated (the “Parties”) may need to exchange certain Confidential Information that may be Protected Health Information (“PHI”) as defined by the Health Insurance Portability and Accountability Act of 1996 (“HIPAA”) and the regulations promulgated thereunder at 45 CFR § 160.103. Without limiting the generality of the foregoing, “PHI” includes, but is not limited to, health information, including demographic information, relating to either, (a) the past, present or future physical or mental condition of an individual, (b) the provision of care to an individual, or (c) the payment for care provided to an individual, which identifies the individual or which reasonably could be expected to identify an individual. All “covered entities” (as defined by 45 § CFR 160.103) are hereby authorized to disclose PHI to all parties and their counsel in this litigation. Subject to the rules of procedure governing this litigation, the parties and their counsel are authorized to receive, subpoena, transmit, or disclose PHI relevant to the medical claims at issue in this litigation and discoverable under the

Federal Rules of Civil Procedure. All PHI disclosed under this Protective Order must be designated as Confidential Information. To the extent documents or information produced in this litigation have previously been or will later be exchanged between the Parties in the normal course of business, treatment of such documents prior to or after the conclusion of this litigation shall be governed by each Party's legal obligations.

**SO ORDERED.**

  
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SARAH NETBURN  
United States Magistrate Judge

Dated: November 16, 2021  
New York, New York